

## **MINUTES**

### **UTAH Barber, Cosmetology/Barber Electrology, Esthetics and Nail Technology Licensing Board MEETING**

**September 10, 2007**

**Room 475 – 4th Floor – 9:00 a.m.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 9:03 a.m.

**ADJOURNED:** 12:30 p.m.

**Bureau Manager:**  
**Board Secretary:**

Daniel T. Jones  
Lee Avery

**Board Members Present:**

Monica Bruin, Chairperson  
Marti Frasier  
Ruth Ann Holloway  
Lyle Ferguson  
Dianne Niebuhr  
Lenette Johnson-Casper  
Electrology position not replaced at this time

**Members Absent:**

Shauna Fox  
Fran Brown

**Guests:**

Kathy Torres  
Lynn Thomas  
Deborah May  
Brenda Scharman  
Diane Bitaraf  
Diane Carter  
Kimberlie March  
Sherrie Steele  
Shannon Mechling  
James Holloway  
Spencer Talbot  
Norma Child  
Kristine Gillum

Minutes

Barber Cosmetology/Barber Electrology,  
Esthetics and Nail Technology Licensing Board  
September 10, 2007

Huong Vu  
Therese Taylor  
Lloyd Loveless  
Brooke Routt  
Nick Layman  
Sharon Saylor  
Thamer Hite  
Lynell Hite  
Fay Stacey  
Randee Worstin  
Pamela Cosby  
Pat Croper  
Darlene Darrant  
Holly Peterson  
Maxine Maughan  
Jalaine Hansen  
Fred Martinez  
Chad Price  
Rosalind Wood  
Craig Fletcher  
Kurt Robinson  
Roger Olmbrot

**DOPL Staff Present:**

F. David Stanley, Division Director

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:  
MINUTES:**

The minutes from the June 11, 2007 were reviewed. Mr. Ferguson motioned to approve the minutes with changes, seconded by Ms. Frasier. The motion carried unanimously.

Elect a New Chairperson

**Out of Order on the Agenda**

Ms. Bruin on behalf of Ms. Fran Brown, nominated Ms. Frasier as the new Chairperson, seconded by Ms. Niebuhr. The motion carried.

**APPOINTMENTS:**

Mr. David Stanley – Proposed Global  
Definition of Levels of Supervision

Mr. Stanley reviewed the Memorandum regarding Proposed Global Definition Levels of Supervision with the Board. Mr. Stanley stated this is a directive given him by Utah Legislators. The Legislators

concerns are each profession defines supervision, indirect supervision, direct supervision differently. Some definitions are in statutes and some in rule. The Legislators expressed the need to standardize this. The Board reviewed its current definitions and after expressing many concerns, Ms. Frasier motioned to adopt the general global definition and place into the rules, seconded by Mr. Ferguson. The motion carried unanimously.

Rule Discussion Square Footage of Schools,  
Mr. Daniel T. Jones

**Out of order on the agenda:**

Mr. Jones reviewed the current proposed changes in rules regarding requiring new schools to meet a certain square footage. The Board and public members discussed this in detail, expressing many concerns. Ms. Francine Gianni spoke to the Board expressed concerns of this being perceived as 'gate keeping'. After further discussion which also included schools being required to meet a national accreditation standard, Ms. Johnson-Casper motioned to not add this requirement to the rules, seconded by Ms. Holloway. The motion carried unanimously.

Ms. Mary Booth, Probation Interview  
**(Met out of order on the agenda)**

Ms. Booth presented herself to the Board. Mr. Ferguson conducted the interview. Ms. Booth briefly reviewed the reasons her license is on probation and why she is before the Board. Ms. Booth advised the Board she has completed her criminal probation and has been doing well. The Board noted Ms. Booth is on probation with it for three (3) years. The Board asked to see Ms. Booth in March 2008.

**In Compliance**

Ms. Andrea Jimmie, Probation Interview

Ms. Jimmie failed to keep her appointment with the Board. After the Board meeting Ms. Jimmie contacted Mr. Jones stating she was ill.

Ms. Stephanie Gammell, Probation Interview

Ms. Gammell presented herself to the Board. Ms. Holloway conducted the interview. Ms. Gammell briefly reviewed with the Board the reasons her license

is on probation and she is before it. The Board noted Ms. Gammell submitted only her hand written notes of her attending a twelve (12) step program and requested she submit signed documentation from the individuals in charge of the meetings she attends. The Board also noted Ms. Gammell has missed many appointments with it. The Board advised Ms. Gammell she has not submitted any Employee/Employer reports since her probation started and she is due to be released from probation November 18, 2007. After further discussion, Ms. Holloway motioned to keep Ms. Gammell on probation until its December meeting and if Ms. Gammell submits the requested employer report and official documentation of completing a twelve (12) step program, it will review letting her off probation, seconded by Ms. Johnson-Casper. The motion carried.

**Not in Compliance**

Ms. Amanda Call, Probation Interview

Amanda Call presented herself to the Board. Ms. Johnson-Casper conducted the interview. The Board noted Ms. Call has not advised the Board of her current mailing address. Ms. Call was advised she can make this change on the Divisions website. The Board noted Ms. Call has missed several meetings with it. The Board noted Ms. Call's probation is for two (2) years, scheduled to end January 18, 2009. Ms. Call submitted a generic letter from her employer. This was on plain paper, not letterhead and had no contact phone number indicating she has been employed since January 2007. She submitted a certificate showing she has completed drug classes and a letter from her probation officer indicating she is in compliance with her court ordered probation and her drug screens have been negative. The Board encouraged Ms. Call to continue attending her support groups, submit her employee/employer reports and the signature cards to the Division. The Board asked to see Ms. Call in December. **Not in Compliance**

Mr. Jeffrey Martin, Instructor License and Education Review.

Mr. Martin conducted an apprenticeship without having an instructor's license.

Jeff Martin presented himself to the Board. Mr. Jones advised the Board, Mr. Martin completed a

Cosmetology/Barber apprenticeship with a student before obtaining his Instructors License. Mr. Martin advised the Board he passed the instructors exam and failed to follow through making sure his Instructor's License had been issued. Mr. Jones advised the Board as soon as Mr. Martin was advised his instructor's license had not been issued, Mr. Martin submitted the appropriate documents and now holds a current Instructors License. The Board talked with Mr. Martin, briefly reviewing the logs submitted for his apprentice. **The Board took no action at this time.**

Mr. Trinity Patrick, Instructor Application and Education Review.

Mr. Patrick conducted an apprenticeship without having an instructor's license.

Mr. Patrick presented himself to the Board. Mr. Jones advised the Board Mr. Patrick completed an apprenticeship before obtaining his Instructors License. Mr. Jones advised the Board Mr. Patrick has submitted a completed application for his Instructors License however it has not been approved until after he meets with the Board. Mr. Patrick advised the Board his apprentice has passed her exams and now holds her current Cosmetology/Barber license. The Board talked with Mr. Patrick in detail. **The Board took no action at this time.**

Mr. Robert Downard, DOPL Investigator  
statistical Report

Mr. Downard reviewed the Summary of Investigation Activity August 2007" with the Board. After talking with Mr. Downard the Board asked him to meet with it the December meeting with the 'Inspection List' the investigators use. The Board also asked Mr. Downard to meet with it annually with the statistical report.

## **DISCUSSION:**

NIC Convention, Ms. Marti Frasier

Ms. Frasier briefly reviewed with the Board the National Interstate Council of State Board of Cosmetology (NIC) Convention she attended in Rapid City, South Dakota. Ms. Frasier stated the emphasis was on education alternative to disciplinary actions and moving the states to accept other states license requirements, i.e. license by Reciprocity or Endorsement. Ms. Frasier advised the Board Mr. Jones had been nominated and elected to the Executive

Board.

Application review

No applications to review at this time.

**Discussion Not on the Agenda**

Ms. Holloway stated there is a concern regarding Master Estheticians using the 'Hot Stone Therapy' and invited President Roger Olmbrot, President of the American Massage Association for the State of Utah to speak with the Board. Mr. Olmbrot expressed many concerns regarding the injuries that could occur to a client if the hot stone therapy is not properly used. Mr. Olmbrot asked the Board about the education and training required in the statutes regarding Master Estheticians doing Hot Stone Massage. The Board and Mr. Olmbrot discussed the concerns in detail. Mr. Jones noted Estheticians use this modality for 'Beautification' and Massage Therapists use it for 'Health and Healing'.

The Board thanked Mr. Olmbrot for meeting with it.

**The Board took no action at this time.**

Skin Tag Removal, Ms. Ruth Ann Holloway

Ms. Holloway briefly reviewed the procedure of Skin Tag Removal with the Board, noting there are skin tag removal devices and some Estheticians are not following the proper procedures with this product. The Board briefly discussed this.

**The Board took no action at this time.**

**Discussion Not on the Agenda**

Mr. Jones stated the question regarding the use of mannequins being used for the practical exam will be clarified at the December meeting. The Divisions position is all mannequins should arrive in sealed plastic. The Divisions will have the test provider determined September 15, 2007.

**BUSINESS FROM PREVIOUS MEETING:**

Manual Lymphatic Drainage Instructor, Ruth Ann Holloway

Ms. Holloway expressed concerns regarding the

appropriate documentation an Instructor needs before teaching lymphatic massage. Ms. Holloway briefly reviewed the current statutes and rules. After discussing this in detail the Board decided the responsibility to document and to prove the appropriate education and qualification is up to the Instructor and the employer.

**ADJOURN:**

Motion to adjourn by Mr. Ferguson, Seconded by Ms. Holloway.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

December 3, 2007

Date Approved

(ss) Marti Frasier

Chairperson, Barber, Cosmetology/Barber, Esthetics,  
Electrology and Nail Technician

December 3, 2007

Date Approved

(ss) Daniel T. Jones

Bureau Manager, Division of Occupational &  
Professional Licensing